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Todd McInturff / The Detroit News

Hugh Horton, left, and Jim Renouf watched as old-growth trees were ripped from property in Harrison Township. The DEQ launched an investigation, but hundreds of complaints go unanswered because of a DEQ staff hiring freeze.

Metro area wetlands oversight diminishes

Blame cast on shrinking agent pool

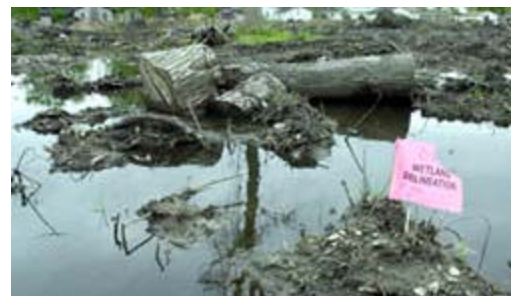
By Amy Lee / The Detroit News

ORION TOWNSHIP -- A shrinking staff and steady onslaught of complaints is forcing state environmental officials to ignore hundreds of complaints, leaving wetlands vulnerable to destruction and development.

A hiring freeze, coupled with high turnover in what one Department of Environmental Quality agent calls "a thankless job" has left four workers to handle complaints for Wayne, Oakland, Macomb and St. Clair counties. Three positions in the region's district office in Livonia have gone unfilled for more than a year.

The small staff means state workers can investigate only the most serious complaints of wetlands violations. And that allows developers to escape scrutiny as they build homes and strip malls on environmentally sensitive land, say residents, department field officers and environmental activists.

"It's not a secret we're desperately understaffed," said Mary Vanderlaan, southeast



Todd McInturff / The Detroit News

Eleven acres of disputed wetlands were cleared for construction of a subdivision in Harrison Township.

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Michigan district supervisor for land and water management at DEQ.

"Our district gets more complaints than any other district in the state of Michigan because both Oakland and Macomb are experiencing a lot of growth," Vanderlaan said.

A wetland is an area that has been saturated with water long enough to produce plants and soils that act as natural pollution-fighters. They remove sediment, fertilizers and pesticides from flowing water. Wetlands also act as storm water storage and prevent downstream flooding.

In 2001, Vanderlaan's office received 545 of the 3,322 complaints lodged statewide about wetland abuse. Of those, 276 prompted in-person site reviews by DEQ officers.

"Developers obviously know about our staffing situation and they take advantage of it," said Dave Dortman, environmental quality analyst with the department.

Measures to reduce the state's budget deficit are a big reason for the DEQ's staffing troubles. Those measures included a hiring freeze and an early retirement offer that attracted 162 DEQ employees, about 10 percent of its statewide workforce.

While developers may know about DEQ's challenges, most don't use that as an opportunity to abuse the environment, said Curt Hacias, president of the Construction Association of Michigan, a nonprofit group representing commercial, industrial and high-density residential developers. The very nature of environmental laws forces developers and contractors to be extra diligent in their efforts to appease government workers who track compliance, he said.

"Developers are extremely cautious knowing what the laws are today. If they take a chance and a destroy an area that's called a wildlife refuge, they know they're going to have serious problems dealing with government agencies," Hacias said. "This is not treated lightly anymore."

DEQ spokesman Ken Silfven agrees.

"We're doing more for wetlands than has been done under anyone's watch," Silfven said of Gov. John Engler's environmental record. "There's more activity now because we've had a vigorous economy under John Engler. That wasn't the case in the 1980s, so you're going to see more activity and yes, it puts more of a strain on our resources."

Types of wetlands

Bog: Bogs are fed primarily by rainwater. Over time, bogs tend to fill in with organic materials such as sphagnum moss, which forms a thick floating mat.

Marsh: Sometimes associated with inland lakes, rivers and streams, marshes provide cover for birds, amphibians, breeding fish and small mammals.

Forested wetlands: These wetlands are common in floodplains, store floodwaters in the spring and fall and often remain saturated throughout the year.



Wetland benefits:

- Naturally clean water to help keep rivers, lakes, and oceans clean. They remove sediment, fertilizers & pesticides.
- Nutrients filter through roots and become food for microorganisms, which become food for larger organisms and become part of the food chain.
- Aid spawning and migration of amphibians and waterfowl, and provide refuge from predators.
- Store floodwaters, preventing downstream flooding.
- Store precipitation and surface water and slowly release into neighboring waters, ground water & atmosphere.
- Maintain the level of the water table.
- Return moisture to the atmosphere through evaporations.
- Help moderate temperatures.
- Contribute to water quality, water supply, flood control, erosion control, wildlife support and recreation.

Sources: Environment Protection Agency, Department of Environmental Quality.

Tim Summers / The Detroit News

Residents alarmed

Residents in Orion Township in Oakland County claim they've seen a developer take advantage of the heavy workload and low staffing levels. They claim Larry Mullins works at night, on weekends or holidays, and fills in wetlands one or two acres at a time to avoid detection.

Mullins, a residential developer with 27 years of experience, says he has painstakingly obtained the blessing of township officials and permits from the state Department of Environmental Quality for his 60-home development in the Porteous Road area, in the upper regions of the township.

"You don't just do what you want out here. It's a tough place to do business in," Mullins said. "I'm no different than other developers. I don't think I take advantage of DEQ being understaffed any more than others, suppliers and so forth, who try to take advantage of me in other situations."

The Porteous Road controversy prompted resident Laura Locke to request state Sen. Mat Dunaskiss, R-Lake Orion, to investigate Mullins' project. "We're beginning to work with DEQ to find out what's going on," said Colleen Gillingham, a spokeswoman for Dunaskiss.

Mullins has been under DEQ scrutiny before. In 2001, the DEQ fined him \$50,000 for filling and clearing a wetland for another residential development. Mullins paid the fine and restored the wetlands, and the case was closed, DEQ analyst Dortman said.

The DEQ has decided not to pursue the Porteous Road complaint because the area is so small and the office is so busy, Dortman said.

"This fill is pretty insignificant when compared to a number of complaints we get. We closed the case due to it being a low priority," he said. "A lot of smaller cases get blown out of proportion when you look at the amount of resources we have to work with. The whole Porteous Road issue is what the state considers a neighbor issue."

Resources stretched

Setting priorities becomes crucial when an office is understaffed, district supervisor Vanderlaan said. The size of the wetlands involved and the impact on nearby waterways are among the factors considered, she said.

At issue for Locke and neighbors Bryan and Terri Carney is the potential impact the wetland drainage could have on their water table and their wells.

"We're concerned about the natural filtration being interrupted and the impact on aquifers," said Carney, who moved to his Esther Road home in 1996. "Are we still going to have working wells in 20 or 30 years?"

Given the state's stretched resources, local environmental officials are looking for ways to beef up their enforcement efforts.

In West Bloomfield Township, three township employees perform many of the same wetland duties as the DEQ field workers. "The DEQ has its hands full, so it's essential for communities to have someone on staff that's trained in how to look for potential problems," said Anne Vaara, director of the township's environmental department.

Oakland environmental experts are working with local governments to impress upon leaders the importance of smaller, often obscure wetlands. And county planners such as Kathy Fraser are working with communities in the watershed areas to re-evaluate local wetlands ordinances.

Environmental plans that seemed adequate a few decades ago may need to be revised to consider the role smaller wetlands and swamps play in regional flood control and water quality, Fraser said.

Wetlands "continue to disappear, the little ones," she said. "Those are the ones we didn't think were important to protect. Now we're finding out they do play some role; they do have some function. Now they are being recognized, but it's almost too late to take any action."

But residents concerned with wetland loss say neighbors need to be diligent in policing developments that may harm sensitive areas.

"There's not enough people in the DEQ to keep on top of this," said Don Rago, 67, who lives in Hamburg Township in Livingston County. "Filling in wetlands and destroying the wildlife homes throws everything off kilter. We all need to keep on eye on this."

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